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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/642,520

08/18/2003

Atsushi Shimamura

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EXAMINER

ONYEZIA, CHUKS N

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/642,520	Applicant(s) SHIMAMURA ET AL.	
	Examiner CHUKS ONYEZIA	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20030818</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed on 08/18/2003.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3, 5, and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 3 recites the limitation "said opened account" in paragraph (h). There is insufficient antecedent basis for this limitation in the claim. The claim calls for making a request to open an account but does not include a step of opening an account.

6. Claim 5 recites the limitation "said distribution pay-in" in paragraph (j). There is insufficient antecedent basis for this limitation in the claim. Because the claim includes an "if"

statement, examiner views paragraphs (i), (j), and (k) separately.

7. Claim 5 is also rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Paragraphs (i), (j), and (k) contain "if-then statements" however paragraph (j) and (k) contain identical "if" statements but different "then" statements. It is indefinite to what step should be followed if pay-in money amount exceeds said shortage.

8. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 distributes surplus pay-in money toward financial institutions having lesser possibility of crashing. However, it is not clear as to how such a determination is reached.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stack et al. US Patent Publication No. 2002/0063153 A1 (PTO-892 Reference A), in view of Armes et al. US Patent Publication No. 2003/0023549 A1 (PTO-892 Reference B).

11. As per claim 1 Stack teaches, A method for managing money of a customer who has an account in a plurality of financial institutions, comprising the steps of:

- ✓ (a) storing in a storage device (see Stack ¶ [0006], the method and system of the present invention makes use, for example, of computer hardware and software in managing the dual function transaction card account)
- ✓ information about a predetermined money amount for said account (see Stack ¶ [0013], At the end of each billing cycle, the cardmember is allowed to elect either a first minimum due option of paying off the charges in the

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- charge bucket in full or a second minimum due option of payment of a predetermined fraction of the entire balance of the charges in the charge bucket),
- ✓ individual information of said customer, and information about said account in each of said financial institutions where said customer has said account (see Stack ¶ [0009], the purchase may be declined; the decision depends upon the dollar amount of the purchase, the cardmember's credit history, the length of time the cardmember has been a cardmember, and other criteria as may be determined);
 - ✓ (b) receiving information about pay-in from said customer (see Stack ¶ [0035], notifying the cardmember 10 of the two minimum due calculations, Minimum Due Option 1 and/or Minimum Due Option 2, in the pay-in-full aspect for an embodiment of the present invention);
 - ✓ (c) identifying said account in each of said financial institutions where said customer has said account, based on said information about said account of said customer in each of said financial institutions (see Stack ¶ [0009]);
 - ✓ (e) identifying said outstanding amount of said account in each of said financial institutions based on said

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information about said outstanding amount, to determine a distribution pay-in money amount to be distributed to said account in each of said financial institutions in such a manner that a post- pay-in outstanding amount obtained by adding said pay-in money amount to said outstanding amount of said account may not exceed said predetermined money amount (see Stack ¶ [0028],; and

✓ (f) instructing to pay said determined distribution pay-in money amount for said account in each of said financial institutions (see Stack ¶ [0037].

However Stack does not explicitly teach (d) enquiring to each of said financial institutions where said customer has said account, to receive information about an outstanding amount of said account in each of said financial institutions. It is of the examiner's interpretation that, by entering into a financial transaction, one has constructed an account with the merchant of the transaction. Armes teaches a request to merchant to inquire on the amount owed (see Armes ¶[0050], Finally, the account administrator communicates the request for value to the consumer's designated value source. This request for value may include information typical of standard funding requests and should encompass data that would accompany any

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typical payment transaction, e.g., merchant number, card number, expiration date, amount, date of purchase, and the like). It would have been obvious to one of ordinary skill in the arts to combine the teachings of Stack with those of Armes, for the purpose of enabling an administrator of a consolidated account to effect correct payment to a merchant who is owed (see Armes ¶[0050]).

12. As per claim 2 Stack further teaches, (g) paying said pay-in money amount into a common account that can retain money of a plurality of customers, wherein said step (f) instructs to transfer said pay-in money amount from said common account to said account in each of said financial institutions (see Stack ¶[0044]), examiner interprets that the use of a card for balance transfers as a common account that that is used to pay multiple financial institutions.

However Stack does not teach the account retaining money of a plurality of customers. Examiner takes official notice that it is a well-known practice to have one credit card that used for a multiple users or customers. Some examples of such cards are joint account, holder account for related users, and corporate cards, that account for multiple employees of the same employer. It would have been obvious for one of ordinary skill in the arts to combine these

teachings in this way for the purpose of making use of well known practices.

13. As per claim 3 Stack does not teaches (g) identifying a financial institution where said customer has opened no account from a list stored in said storage device and said information about said account of each of said financial institution where said customer has said account, to transmit said individual information of said customer to said financial institution where said customer has opened no account and also request to open an account of said customer; (h) receiving from said financial institution said information about said opened account of said customer; and (i) additionally writing said received information about said account of said customer into said information about said account of said customer in said storage device. However it is a common and well known practice of credit card companies and banks not allow balance transfers from cards held by the same bank. For example, bank X issued multiple cards to a user, user would not be allowed to make payments of transfer balances between those cards issued be bank X. It would be obvious for one of ordinary skill in the arts to open an account with a new financial institution, for the purpose of being eligible to conduct balance transfers.

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14. As per claim 4 Stack further teaches, (g) paying said pay-in money amount into a virtual account assigned to each customer, wherein said step (f) instructs to transfer said pay-in money amount from said virtual account to said account in each of said financial institutions (see Stack ¶ [0044]).

15. As per claim 5 Stack further teaches, step (e) further comprises the steps of:

- ✓ (g) subtracting said outstanding amount of said account from said predetermined amount, to calculate a shortage for each of said accounts in each of said financial institutions (see Stack ¶ [0028]), examiner interprets that the calculation on a New Total Balance as a shortage calculation;
- ✓ (h) deciding whether said pay-in money amount exceeds said shortage for each of said accounts in each of said financial institutions (see Stack ¶ [0028]);
- ✓ (i) if it is decided that said pay-in money amount does not exceed said shortage, determining said pay-in money amount to be a distribution pay-in money amount for said account (see Stack ¶ [0028] a Total Minimum Due is calculated, which includes the minimum due for the revolving balance and the full amount of the transacting balance above the revolving credit limit);

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- ✓ (j) if it is decided that said pay-in money amount exceeds said shortage, determining said shortage to be said distribution pay-in money amount for said account;
and (k) if it is decided that said pay-in money amount exceeds said shortage, determining an amount obtained by subtracting said shortage from said pay-in money amount to be said pay-in money amount, to repeat from said step (h) to said step (i) on accounts other than said account for which said pay-in money amount is determined (see Stack ¶ [0028] a Total Minimum Due is calculated, which includes the minimum due for the revolving balance and the full amount of the transacting balance above the revolving credit limit).

16. As per claim 6 Stack does not directly teach step (e) determines said distribution pay-in money amount for said accounts in a descending order of said shortage. However, Stack teaches the use of a computer hardware and software to manage a transaction card account (see Stack ¶ [0006]). It would have been obvious to one of ordinary skill in the arts to use the computer system of Stack to sort pay-in amounts from highest to lowest, for the purpose of making use of one of a list well known computer functions.

17. As per claim 7 Stack does not directly teach if said pay-in money amount has a surplus as a result of determining said distribution pay-in money amount for all accounts of said customer, said step (e) adds said pay-in money amount surplus to said distribution pay-in money amount for an account in a financial institution having a smaller possibility of crashing. The Examiner notes, directing the pay-in amount does not modify the operation of Stack's invention. To have modified Stack to have included directing or channeling pay-in amounts towards financial institutions having a smaller possibility of crashing would have been obvious to the skilled artisan because the inclusion of such step would have been an obvious matter of design choice in light of the method already disclosed by Stack. Such modification would not have otherwise affected Stack and would have merely represented one of numerous steps that the skilled artisan would have found obvious for the purposes already disclosed by Stack. Additionally, applicant has not persuasively demonstrated the criticality of providing this arrangement versus the arrangement disclosed in Stack. See *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950). Examiner also notes that applicant has not demonstrated how the determination is made to show that an institution has a smaller possibility of crashing.

18. As per claim 8 Stack does not directly teach if said pay-in money amount has a surplus as a result of determining said distribution pay-in money amount for all accounts of said customer, said step (e) divides said pay-in money amount surplus by the number of said accounts of said customer and adds an amount obtained by said division to said distribution pay-in money amount for each of said accounts. However, examiner notes that it is a common and well known practice, in debt consolidation, to collect a user's payment and divide any surplus evenly amongst creditors. It would have been obvious to combine the teachings of stack with this well known debt consolidation practice for the purpose of following a well known practice in the area of credit management.

19. Claims 9 and 10 are rejected using logic similar to those used in the rejection of claims 1 and 2.

20. Claims 11-15 are rejected using logic similar to those used in the rejection of claims 1, 5, and 2-4 respectfully.

21. Claims 16-20 are rejected using logic similar to that used in the rejection of claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUKS ONYEZIA whose telephone number is (571)270-1372. The examiner can normally be reached on Monday - Thursday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/

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C. Onyezia 03/14/2008